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SUBJECT: ILLEGAL MIGRATION FROM CUBA IN SHARP DECLINE

REFS: (A) HAVANA 0047 (B) 08 HAVANA 751 (C) 08 HAVANA 0951

[¶1.](#) (SBU) SUMMARY. Illegal migration from Cuba to the United States appears to have peaked in FY 2008 and has declined significantly. Illegal migration fell 20 percent in FY 08 and is down by almost 50 percent thus far in FY 2009. The decline has affected migrant flows both through Mexico - the main point of entry for undocumented Cuban migrants - and across the Florida Straits. With much of the Cuban public still eager to leave the island, the fall in illegal migration appears to reflect expanded legal migration opportunities, especially through the U.S.-Cuba Migration Accords, and the cumulative impact of law enforcement action against migrant smuggling organizations in south Florida. The downward trend in illegal migration from Cuba may well continue, absent a catastrophic collapse of the Cuban economy or similar precipitating event, as the United States' Cuban Family Reunification Parole program and Spain's new nationality law create new opportunities for legal migration. Between 2009 and 2011, a quarter of a million Cubans out of a total population of eleven million will either legally emigrate or acquire a second nationality. END SUMMARY.

[¶2.](#) (U) According to Department of Homeland Security statistics, illegal migration from Cuba to the United States, after growing steadily after 2003, peaked in FY 2008 and has declined significantly thus far in FY 2009. Through May last year, illegal migration in FY 08 was on pace to substantially exceed the record levels of FY 07. More than 20,000 undocumented Cubans either entered the United States in FY 07 or were interdicted at sea by the U.S. Coast Guard and were returned to Cuba under the U.S.-Cuba Migration Accords, the highest number since 1994. However, illegal migration began falling dramatically late in the third quarter of FY 08, both through the U.S. border with Mexico - the principal point of entry for undocumented Cuban migrants since FY 2005 - and across the Florida Straits. By the end of FY 08 the number of undocumented Cuban migrants attempting to enter the United States had fallen by 20 percent compared to FY 07 (from 20,621 to 16,336), the first year-over-year decline since FY 2003.

[¶3.](#) (U) The decline in illegal migration first detected in FY 08 has continued - and even accelerated - in FY 09. According to U.S. Customs and Border Patrol statistics, during the first trimester of the fiscal year (October through January) 2,504 undocumented Cubans arrived at U.S. Ports-of-Entry (90 percent of them at POEs on the border with Mexico), compared to 4,026 during the same period of FY 08, a decline of 37 percent. Even more dramatically, according to U.S. Coast Guard figures, 374 Cuban migrants were interdicted at sea during the first trimester of FY 09, compared to 707 during the same period of FY 08, a decline of 47 percent. During this same period, total migrant flow across the Florida Straits (interdictions plus estimated successful arrivals) fell by almost half, from 1,644 to [¶875.](#)

[¶4.](#) (SBU) Accounting for the decline in Cuban migration is no easy

task. While the U.S. economic downturn has hit south Florida - the main destination for Cuban migrants - very hard, Cuban migration historically has not been strongly influenced by economic fluctuations in the United States (see paragraph six). Nor has Cuban migration mirrored broader migration trends; the surge in illegal Cuban migration post-FY 2003, for example, coincided with a 25 percent decline in illegal migration to the United States from FY 2004-FY 2007 (as measured by Border Patrol apprehensions of undocumented aliens). Meanwhile, as suggested by the Cuban public's enthusiastic response to Spain's new nationality law (Ref A), emigration remains a virtual obsession with many Cubans, especially, but by no means exclusively, with the young, now thoroughly disillusioned with the pace of 'reform' under Raul Castro. On balance, with Cuban migration following its own dynamic and with interest in leaving the island - by almost any possible means - still endemic, declining illegal Cuban migration may reflect the expansion of legal migration opportunities, and the impact of law enforcement action against the Florida-based smuggling organizations that have dominated migration since 2005.

15. (SBU) In FY 08, U.S. fulfillment of its commitment under the Migration Accords to authorize 20,000 Cubans in Cuba for migration, sent an important signal to the Cuban public that the Accords remained in effect and were a viable mechanism for legal migration (Ref B). Cuban government interference with USINT operations had resulted in a significant shortfall during FY 07. Also during FY 08, USINT began implementation of the Cuban Family Reunification Parole (CFRP) program, designed to increase the percentage of migrants admitted to the United States each year who have family members in the United States. Informal USINT surveys of migrants returned to Cuba in late 2007 found that about one-third of them had a relative in the United States eligible to file an immigrant visa petition for them. However, faced with the ten to 12 year wait times associated with certain immigrant visa categories, many such relatives apparently preferred to hire smugglers to extricate family members from Cuba, despite the cost (\$10,000 a head), the risks involved in the sea voyage, and the frequent ruthlessness of the smugglers. With CFRP, which created an immediate parole benefit for all beneficiaries of immigrant visa petitions, the significant minority of potential illegal migrants with qualifying relatives in the United States had an incentive to pursue legal migration.

16. (SBU) The Federal Registrar notice announcing the CFRP program was published in November 2007, and the response of the Cuban-American community to the opportunity to help family members in Cuba emigrate legally has since been overwhelming. According to DHS statistics, the number of immigrant visa petitions filed on behalf of Cuban beneficiaries nearly tripled from 5,798 to 16,288 (we estimate that each petition will result in the emigration of about 2.5 people) between FY 07 and FY 08. The dramatic increase in immigrant visa petition filings in FY 08 is particularly noteworthy given the economic downturn in southern Florida, which might have been expected to discourage U.S.-based relatives from assuming the financial obligations inherent in sponsoring relatives for immigration.

17. (SBU) For its part, USINT made rapid implementation of CFRP a Mission priority to encourage public confidence in the program in the Cuban-American community and among potential migrants. For example, specific commitments to process minimum numbers of CFRP cases were incorporated into USINT's Mission Strategic Plan (MSP). The first CFRP cases were interviewed in February 2008 and the first CFRP travel documents were issued in late March. For FY 08, CFRP cases accounted for 26 percent of all travel documents issued under the Migration Accords (a figure likely to increase to 60 percent during FY 09) and USINT over-fulfilled its MSP commitment by 75 percent.

18. (SBU) In addition to the expansion of legal migration opportunities, the decline in illegal migration in the past year may reflect the cumulative impact of law enforcement action against the organized smuggling networks responsible for much of the increase in illegal migration since 2003. Prior to that time, the great majority of attempts to enter the U.S. illegally across the Florida Straits were made on rafts and other 'rustic' vessels built (or stolen) by the migrants themselves. In 2003-2004, Mexican fishermen developed the smuggling route between Cuba and Mexico's Yucatan Peninsula using only slightly more sophisticated vessels. Florida-based

organized smugglers had begun to gain control of both the Florida and Mexico routes by 2005 and Cuban rustics and Mexican fishing boats were progressively displaced by high-powered 'go-fast' boats, many stolen in south Florida. By 2007, Cuban migrant smuggling was dominated by organized criminal networks; in FY 07, for example, 'go-fasts' were used in 75 percent of all Cuban migrant incidents according to U.S. Coast Guard statistics.

¶9. (SBU) In Cuba, the growth in illegal migration after 2003 was accompanied by the rigorous application of the country's severe anti-migrant smuggling laws, which carry sentences of up to 30 years in jail. According to the Mexican Embassy here, 31 Mexicans are incarcerated in Cuba, all but a handful convicted on migrant smuggling charges. Most are modest fishermen from the Yucatan and almost all were convicted in the period 2004-2006, prior to the full 'professionalization' of the Mexican route. Meanwhile, of 18 American citizen prisoners currently in Cuban jails, eight were convicted of migrant smuggling and are serving sentences ranging from eight to 28 years. Finally, aggressive prosecution of migrant smugglers caused the number of Cuban migrant smuggling-related indictments in south Florida to nearly quadruple, from 35 to 125, and the number of defendants to more than triple from 61 to 217, between 2006 and 2008.

¶10. (SBU) Looking forward, absent a catastrophic collapse of the Cuban economy or similar precipitating event, the downward trend in illegal Cuban migration could well continue. The fall in Cuban migration through Mexico predated the October 2008 signing of the Memorandum of Understanding on Migration between Mexico and Cuba, but implementation of that agreement could consolidate the decline. According to the Mexican Embassy, the reduction in illegal Cuban migration through Mexico has already been so substantial that Mexico has not needed to request any additional repatriations since 75 migrants were returned in two repatriations in December 2008 (Ref C). Also, the agreement with Mexico may lead Cuba to seek similar agreements with other countries, notably Honduras, that would further reduce Cuban migrant flows to the U.S. southern border. Meanwhile, the expected acquisition of Spanish nationality by 150,000 Cubans over the next three years represents a further significant expansion of legal migration options. Together with those processed under the U.S.-Cuba Migration Accords, and smaller immigration programs at other embassies in Havana, about a quarter million Cubans out of a total population of some eleven million either will legally emigrate from Cuba or acquire a second nationality between 2009 and 2011.

¶11. (SBU) COMMENT. We believe that the significant decline in illegal Cuban migration reflects the successful diversion of chronic migratory pressure in a "safe, legal, and orderly" direction, consistent with the purpose of the U.S.-Cuba Migration Accords. USINT will continue to work towards meeting U.S. commitments under the Migration Accords, and will continue to expedite implementation of the CFRP program, to discourage migrants from taking to the sea.

¶12. (SBU) To further discourage illegal migration, the United States government may wish to consider renewed processing, on a limited basis, of Special Cuban Migration Program cases. Until its suspension in 2006, the SCMP, a Cuba-specific visa lottery designed in 1995 to capture the "rafter profile", constituted the most viable means of legal emigration for Cubans without relatives in the United States and those not able to pay the going rate of \$10,000 to go by fast-boat. USINT will make a recommendation on this subject shortly, after further study. END COMMENT.

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